

(C) Procedures to limit the payment of incremental expenses to friendly foreign countries only to developing countries, except in the case of exceptional circumstances as specified in the regulations.

(Added Pub. L. 99-661, div. A, title XIII, § 1321(a)(1), Nov. 14, 1986, 100 Stat. 3988, § 2010; amended Pub. L. 105-85, div. A, title X, § 1073(a)(35), Nov. 18, 1997, 111 Stat. 1902; Pub. L. 110-417, [div. A], title XII, § 1203(a), Oct. 14, 2008, 122 Stat. 4622; Pub. L. 112-81, div. A, title X, § 1061(12), Dec. 31, 2011, 125 Stat. 1583; renumbered § 321 and amended Pub. L. 114-328, div. A, title XII, § 1244(a), Dec. 23, 2016, 130 Stat. 2516; Pub. L. 115-232, div. A, title XII, § 1204(c)(1)(B), Aug. 13, 2018, 132 Stat. 2017.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, referred to in subsec. (e), is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

AMENDMENTS

2018—Subsec. (e). Pub. L. 115-232 substituted “the first calendar quarter” for “the first calender quarter” and “every calendar quarter” for “every calender quarter”.

2016—Pub. L. 114-328 renumbered section 2010 of this title as this section and amended it generally. Prior to amendment, section related to payment of incremental expenses for participation of developing countries in combined exercises.

2011—Subsecs. (b) to (e). Pub. L. 112-81 redesignated subsecs. (c) to (e) as (b) to (d), respectively, and struck out former subsec. (b) which read as follows: “The Secretary of Defense shall submit to Congress a report each year, not later than March 1, containing—

“(1) a list of the developing countries for which expenses have been paid by the United States under this section during the preceding year; and

“(2) the amounts expended on behalf of each government.”

2008—Subsecs. (d), (e). Pub. L. 110-417 added subsec. (d) and redesignated former subsec. (d) as (e).

1997—Subsec. (e). Pub. L. 105-85 struck out subsec. (e) which read as follows: “Not more than \$13,400,000 may be obligated or expended for the purposes of this section during fiscal years 1987 through 1991.”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title XII, § 1203(b), Oct. 14, 2008, 122 Stat. 4622, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to bilateral and multilateral military exercises described in section 2010 [now 321] of title 10, United States Code, as so amended, that begin on or after that date.”

PROHIBITION ON PARTICIPATION OF THE PEOPLE'S REPUBLIC OF CHINA IN RIM OF THE PACIFIC (RIMPAC) NAVAL EXERCISES

Pub. L. 115-232, div. A, title XII, § 1259, Aug. 13, 2018, 132 Stat. 2058, provided that:

“(a) CONDITIONS FOR FUTURE PARTICIPATION IN RIMPAC.—

“(1) IN GENERAL.—The Secretary of Defense shall not enable or facilitate the participation of the People's Republic of China in any Rim of the Pacific (RIMPAC) naval exercise unless the Secretary certifies to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that China has—

“(A) ceased all land reclamation activities in the South China Sea;

“(B) removed all weapons from its land reclamation sites; and

“(C) established a consistent four-year track record of taking actions toward stabilizing the region.

“(2) FORM.—The certification under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.

“(b) NATIONAL SECURITY WAIVER.—

“(1) IN GENERAL.—The Secretary of Defense may waive the certification requirement under subsection (a) if the Secretary determines the waiver is in the national security interest of the United States and submits to the congressional defense committees a detailed justification for the waiver.

“(2) FORM.—The justification required under paragraph (1) shall be in unclassified form but may contain a classified annex as necessary.”

§ 322. Special operations forces: training with friendly foreign forces

(a) AUTHORITY TO PAY TRAINING EXPENSES.—Under regulations prescribed pursuant to subsection (c), the commander of the special operations command established pursuant to section 167 of this title and the commander of any other unified or specified combatant command may pay, or authorize payment for, any of the following expenses:

(1) Expenses of training special operations forces assigned to that command in conjunction with training, and training with, armed forces and other security forces of a friendly foreign country.

(2) Expenses of deploying such special operations forces for that training.

(3) In the case of training in conjunction with a friendly developing country, the incremental expenses incurred by that country as the direct result of such training.

(b) PURPOSE OF TRAINING.—The primary purpose of the training for which payment may be made under subsection (a) shall be to train the special operations forces of the combatant command.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense. The regulations shall establish accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

(d) DEFINITIONS.—In this section:

(1) The term “special operations forces” includes civil affairs forces and military information support operations forces.

(2) The term “incremental expenses”, with respect to a developing country, means the reasonable and proper cost of rations, fuel, training ammunition, transportation, and other goods and services consumed by such country, except that the term does not include pay, allowances, and other normal costs of such country's personnel.

(e) REPORTS.—Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report regarding training during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

(1) All countries in which that training was conducted.

(2) The type of training conducted, including whether such training was related to counter-narcotics or counter-terrorism activities, the duration of that training, the number of members of the armed forces involved, and expenses paid.

(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort.

(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).

(5) A summary of the expenditures under this section resulting from the training for which expenses were paid under this section.

(6) A discussion of the unique military training benefit to United States special operations forces derived from the training activities for which expenses were paid under this section.

(Added Pub. L. 102-190, div. A, title X, §1052(a)(1), Dec. 5, 1991, 105 Stat. 1470, §2011; amended Pub. L. 104-106, div. A, title XV, §1503(a)(18), Feb. 10, 1996, 110 Stat. 512; Pub. L. 105-261, div. A, title X, §1062, Oct. 17, 1998, 112 Stat. 2129; Pub. L. 112-81, div. A, title X, §1086(2), Dec. 31, 2011, 125 Stat. 1603; renumbered §322, Pub. L. 114-328, div. A, title XII, §1244(b), Dec. 23, 2016, 130 Stat. 2518.)

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 2011 of this title as this section.

2011—Subsec. (d)(1). Pub. L. 112-81 substituted “military information support operations” for “psychological operations”.

1998—Subsec. (c). Pub. L. 105-261, §1062(a), inserted after first sentence “The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense.”

Subsec. (e)(5), (6). Pub. L. 105-261, §1062(b), added pars. (5) and (6).

1996—Subsec. (a). Pub. L. 104-106 substituted “To” for “To” in heading.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (e) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

TRAINING OF GENERAL PURPOSE FORCES OF THE UNITED STATES ARMED FORCES WITH MILITARY AND OTHER SECURITY FORCES OF FRIENDLY FOREIGN COUNTRIES

Pub. L. 113-66, div. A, title XII, §1203, Dec. 26, 2013, 127 Stat. 894, related to the training of general purpose forces of the armed forces of the United States with military and other security forces of friendly foreign countries, prior to repeal by Pub. L. 114-328, div. A, title XII, §1244(c), Dec. 23, 2016, 130 Stat. 2518.

SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

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331. | Friendly foreign countries: authority to provide support for conduct of operations. |
| 332. | Friendly foreign countries; international and regional organizations: defense institution capacity building. |
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§ 331. Friendly foreign countries: authority to provide support for conduct of operations

(a) AUTHORITY.—The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

(b) DESIGNATED OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

(2) NOTICE TO CONGRESS.—The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

(3) ANNUAL REVIEW FOR CONTINUING DESIGNATION.—The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation for purposes of this section for another year, the Secretary—

(A) may continue the designation of such operation under this subsection for such purposes for another year; and

(B) if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

(c) TYPES OF SUPPORT AUTHORIZED.—The types of support that may be provided under the authority in subsection (a) are the following:

(1) Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

(A) an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

(B) a military or stability operation that benefits the national security interests of the United States.

(2) Logistic support, supplies, and services—

(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

(3) Procurement of equipment for the purpose of the loan of such equipment to the mili-